

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	8:06CR99
)	
RAYMOND C. WHITBECK, SR.,)	ORDER
)	
Defendant.)	

A hearing was held on September 27, 2006 regarding the motion of Attorney Jerry M. Hug's motion for leave to withdraw as attorney of record [63]. A portion of the hearing was sealed. The court finds the relationship between counsel and the defendant has deteriorated to such an extent that Mr. Hug should be allowed to withdraw.

IT IS ORDERED:

1. The Motion to Withdraw [63] is granted.
2. Michael J. Tassett is appointed as attorney of record for the above-named defendant.
3. The Federal Public Defender's Office shall, forthwith, provide counsel with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA attorney identified in accordance with the Criminal Justice Act Plan for this district.
4. Trial in this matter is set for November 27, 2006 before Chief Judge Bataillon.
5. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **September 27, 2006 and November 27, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to defendant's request for new counsel, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 3rd day of October, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**